

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-11-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.11302 of 1999

C.Gunasekaran

.. Petitioner.

Versus

1.The District Revenue Officer,
Pudukottai, Pudukottai District.

2.The Inspector of Police,
Civil Supplies CID.,
Madurai.

.. Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorari calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Rc.K2/60030/98, dated 12.5.1999 and quash the same.

For petitioner : Mr.C.Prakasam
For respondents : Mr.P.Subramanian
Government Advocate

O R D E R

Heard Mr.C.Prakasam, the learned counsel appearing for the petitioner and Mr.P.Subramanian, the learned Government Advocate appearing for the respondents.

2. It is submitted by the learned counsel appearing for the petitioner that certain items of wheat and rice which were kept in the petitioner's premises had been seized by the 1st respondent by his impugned proceedings, dated 12.5.99, for the reason that the licence granted to the petitioner had expired. Therefore, the petitioner has filed the present writ petition before this Court challenging the impugned proceedings stating that it has been issued without application of mind and without the authority of law.

3. The main contention of the learned counsel appearing for the petitioner is that the impugned order has been passed by the 1st respondent even though the petitioner had the relevant records to purchase the items in question and that the said items were not kept by the petitioner illegally.

4. It is submitted by the learned counsel appearing on behalf of the respondents that as against the impugned order passed by the first respondent, a statutory appeal is available to the petitioner, under Section 6-C of the Essential Commodities Act, 1955. Section 6-C of the Essential Commodities Act, 1955, reads as follows:

6-C.Appeal.- (1) Any person aggrieved by an order of confiscation under Section 6-A may, within one month from the date of the communication to him of such order, appeal to the State Government concerned and the State Government shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under Section 6-A is modified or annulled by the State Government, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under Section 6-A, the person concerned is acquitted, and in either case it is not possible for any reason to return the essential commodity seized, such persons shall, except as provided by sub-section (3) of section 6-A, be paid the price therefor as if the essential commodity had been sold to the Government with reasonable interest calculated from the day of the seizure of the essential commodity and such price shall be determined -

(i) in the case of food grains, edible oilseeds or edible oils, in accordance with the provisions of sub-section (3-B) of section 3;

(ii) in the case of sugar, in accordance with the provisions of sub-section (3-C) of section 3; and

(iii) in the case of any other essential commodity, in accordance with the provisions of sub-section (3) of section 3.

5. However, the learned counsel appearing for the petitioner had submitted that at the time of the filing of the writ petition, the appellate authority had not been designated, as provided under the Act. Therefore, the petitioner had come before this Court, by way of filing the present writ petition, under Article 226 of the Constitution of India. It is also submitted that at present the District Court, Pudukkottai, has been designated as the appellate forum, under Section 6-C of the Essential Commodities Act, 1955, to hear and decide the appeals.

6. Considering the facts and circumstances of the case, the petitioner is granted liberty to file an appeal before the designated appellate authority, as provided under the law, within a period of four weeks from the date of receipt of a copy of this order. On such appeal being filed, the appellate authority is expected to dispose of the same, expeditiously.

The writ petition is disposed of with the above direction. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

csH

To

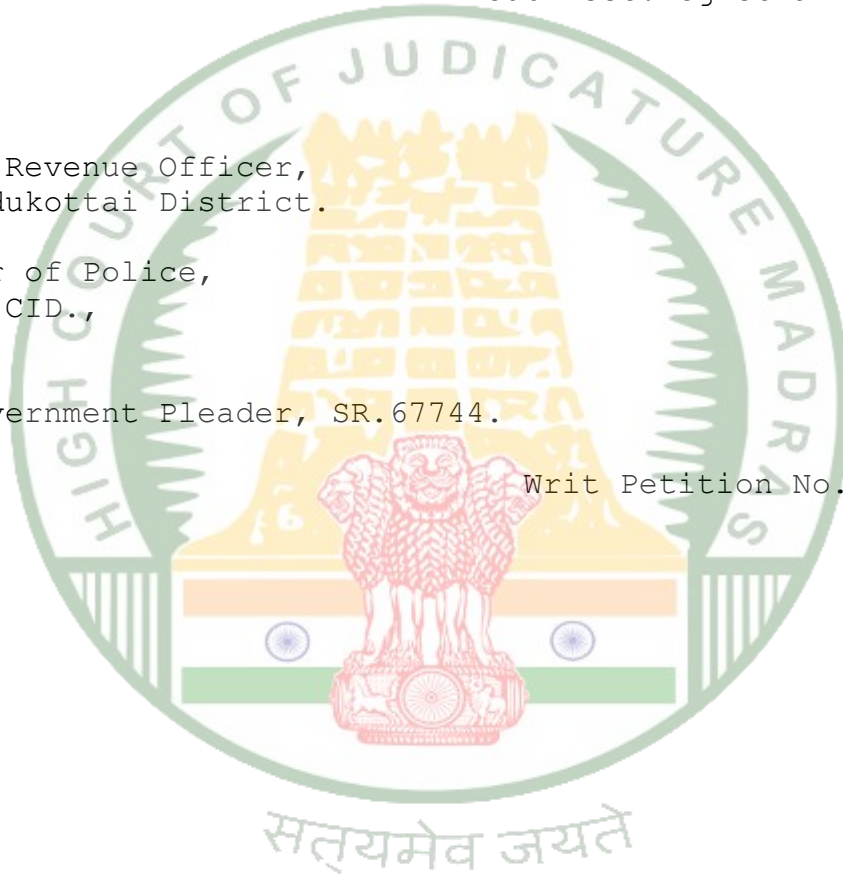
1.The District Revenue Officer,
Pudukottai, Pudukottai District.

2.The Inspector of Police,
Civil Supplies CID.,
Madurai.

1 cc To The Government Pleader, SR.67744.

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RS (CO)
RVL 30.11.2007



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